

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

JUSTIN W. BARNES

PLAINTIFF

v.

CIVIL ACTION NO. 2:22-cv-38-TBM-BWR

KILOLO KIJAKAZI

*Acting Commissioner of Social
Security Administration*

DEFENDANT

ORDER ADOPTING REPORT AND RECOMMENDATION

This matter is before the Court on submission of the Report and Recommendation [19] entered by United States Magistrate Judge Bradley W. Rath on October 4, 2023. Judge Rath recommends that the Plaintiff's complaint for review of a Social Security Disability or Supplemental Security Income decision [1] pursuant to the Social Security Act 42 U.S.C. § 405(g) be dismissed with prejudice, affirming the Acting Commissioner's decision. Barnes has not filed an objection to the Report and Recommendation, and the time for filing an objection has expired.

"When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." FED. R. CIV. P. 72(b) advisory committee's note to 1983 addition (citations omitted); see *Casas v. Aduddell*, 404 F. App'x 879, 881 (5th Cir. 2010) ("When a party fails timely to file written objections to the magistrate judge's proposed findings, conclusions, and recommendation, that party is barred from attacking on appeal the unobjected-to proposed findings and conclusions which the district court accepted, except for plain error") (citing *Douglass v. United Serv. Auto Ass'n*, 79 F.3d 1415, 1428-29 (5th Cir. 1996) (en banc); 28 U.S.C. § 636(b)(1)). Having considered Judge Rath's Report and Recommendation, the Court finds neither is clearly erroneous nor contrary to law.

IT IS THEREFORE ORDERED AND ADJUDGED that the Report and Recommendation [12] entered by United States Magistrate Judge Bradley W. Rath on October 4, 2023, is ADOPTED as the opinion of the Court.

IT IS FURTHER ORDERED AND ADJUDGED the Barnes' claims are DISMISSED WITH PREJUDICE.

THIS, the 28th day of November, 2023.



TAYLOR B. McNEAL
UNITED STATES DISTRICT JUDGE